Minutes of a Regular Meeting

Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, APRIL 6, 2006, 7:00 p.m. Council Chambers, 26379 Fremont Road

cc: Cassettes (1) #5-06

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Cottrell, Commissioners Carey, Kerns, Collins & Clow

Staff: Carl Cahill, Planning Director; Debbie Pedro, Senior Planner; Victoria Ortland,

Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

3.1 LANDS OF CORRIGAN, 13920 Fremont Pines Lane (7-06-ZP-SD); A request for a Site Development Permit for a 5,238 square foot two-story new residence with a 2,577 sq. ft. basement (maximum height 26' 10 ½" feet), a 563 sq. ft. pool, and a grading exception to allow up to 13' of cut at the driveway to accommodate a basement garage CEQA Review: Categorical Exemption Section 15303 (a) (staff-Debbie Pedro).

Senior Planner Debbie Pedro presented the staff report. The applicant proposed to build a two story home with a basement, pool and spa. There will be a new driveway access from the end of the Fremont Pines Lane cul-de-sac. Also on the site will be a secondary drive coming off the driveway easement that provides access to the basement garage. The applicant requested a grading exception of up to 13' of cut to accommodate the basement garage. The Town's grading policy allows for up to 8' of cut for driveways. The lot is relatively flat and the proposed grading will help lower the profile of the new house. The retaining walls will be below natural grade and not visible from off site. The Town's Pathways Committee has recommended the dedication of a 10' path easement along the west side of the property over the driveway easement. According to the Los Altos Hills Master Path Plan that was approved by Council in March of 2005, there are no on-road or off-road paths in this area. If the Planning Commission decides to not require a path easement in this area, staff should be directed to modify condition number 28 to require a pathway in-lieu fee instead.

OPENED PUBLIC HEARING

Courtenay Corrigan, applicant, addressed the Planning Commission with expressed excitement at starting the project and becoming a resident of Fremont Pines Lane.

Commissioner Carey asked Ms. Corrigan her thoughts on the request for the pathway easement. Ms. Corrigan stated that she believed that the Pathways Committee would retract the request at tonight's meeting.

Ginger Summit, Pathways Committee Chairperson, explained the confusion regarding the easement request. Fremont Pines is a public road up to the end of the cul-de-sac. The driveway that goes along a 32' driveway easement provides access to five houses. According to Town codes, the easement can be considered a driveway easement if it serves two houses, beyond two houses it is considered a private road. If the Pathways Committee is going to stay consistent with the Town policy of requesting public access along a private road then the recommendation cannot change. The Pathways Committee took no action to withdraw or change the recommendation.

Commissioner Collins questioned whether there are or ever were plans to make a pathway connection up the driveway to connect to the Bullis site.

Pathways Chairperson Summit stated that there were no plans for a path at the end of the driveway and there are many other accesses to the Bullis site around the area. Ms. Summit explained that the Pathways Committee recommended the easement for public access along the road.

Commissioner Carey asked if it was the policy of the Pathways Committee to request a pathway easement next to any private road when there is development. Pathways Chairperson Summit replied in the positive. She stressed that the Pathways Committee is asking for public access to walk along the private road and no other changes such as construction of a roadside path.

Commissioner Carey asked staff what the pathway in-lieu fee would be for the Corrigan property.

Courtney Corrigan addressed the Planning Commission explaining that she misunderstood what the Pathways Committee Chairman was going to say at tonight's meeting and asked that the issue be returned to the Pathways Committee so she and her neighbors could discuss their support or lack thereof of the Committee recommendation.

Sandra Humphries, Environmental Design Committee Member, reported that Scotch or French Broom, an invasive plant species, was present on the property and asked for the plant to be removed.

Tom Klope, Landscape Architect replied that the Scotch Broom would be removed.

CLOSED PUBLIC HEARING

Commissioner Clow supported the cut for the driveway as it kept the home lower and a good job has been done to make the new home look less massive than the old home. No pathway should be requested on the property because the property does not have the space for anything other

than a driveway. The homeowners at the end of the driveway will have all the access that they want with the driveway easement and the pathway easement should not be required.

Commissioner Collins supported the request for the additional cut for the basement as a good design on the house. With regard to the pathway she recommended that an easement be required on the property.

Commissioner Kerns supported the application and stated the cut is an excellent idea hiding the garage below grade. He did not support the pathway because the neighbors don't want a pathway and it is not on the Master Path Plan.

Commissioner Carey generally supported the project but had concerns about the grading exceptions but understood the reason was solid according to Attachment 2. He stated that two heritage oak trees were removed and only two are being required instead of the usual three to one ratio. He did not support the pathway easement.

Chairman Cottrell supported the project commenting on the very attractive design. He supported removing the requirement for the pathway easement.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns, seconded by Commissioner Carey and approved by the following roll call vote to approve the requested site development permit subject to the recommended conditions in Attachment 1 and findings for Grading Policy exception in Attachment 2 and modify condition number 28 to require the payment of a pathway in-lieu fee.

AYES: Chairman Cottrell, Commissioners Cary, Kerns, Collins and Clow

NOES: None

This approval is subject to a 22 day appeal period.

3.2 LANDS OF KARIAT, 25721 La Lanne Court (7-05-ZP-SD); A request for a Site Development Permit for a 840 square foot pool & spa and a landscape screening plan (staff-Debbie Pedro).

Staff report was presented by Senior Planner Debbie Pedro. A two story home with a basement was approved by the Planning Commission in August 2002 and is currently under construction. The applicant is requesting to add a pool and spa in the rear yard. There is existing landscaping on the property including an oleander hedge on the west side, a row of pine trees on the north side and various trees and shrubs on the east side including oaks and pines. The applicant is proposing to add twenty one 15 gallon redwood trees to screen the house from the downhill neighbor to the east. For the neighbor to the west they are proposing to plant ten 24" box olive trees and also two 48" box oak trees next to the pool. When the residence was approved back in 2002 the Commission had noted that a 14" pepper tree that was close to the driveway provided screening for the new house and should be preserved if possible. The tree was too close to the driveway and was removed during construction and staff is requiring that two 60" box oaks be replanted in the front of the house to break up the view from the street. A total number of 35

trees are required to be planted on the site prior to final inspection. The adjacent neighbor on Miranda Way had submitted a letter today with view concerns and staff had taken pictures for review tonight.

OPENED PUBLIC HEARING

Saila Kariat, applicant, explained that the landscape changes had been discussed with the neighbors.

Commissioner Clow asked what had happened to the missing Pepper tree. Ms. Kariat replied that the previous owner had done the demolition work and she could not confirm that the tree was standing at time of purchase of the property.

Chairman Cottrell questioned the choice of Redwood trees for screening on the property. Ms. Kariat explained that the Redwood trees were proposed at the request of the neighbors to match their existing trees.

Susan Ezzati, 14320 Miranda Road, explained she had spoken to Ms. Kariat about screening and had been pleased with the cooperation received in putting in Olive trees. She had concerns after reviewing the proposed additional development including the pool, spa, shower stall and fountain area and was strongly opposed to the development. She expressed the lack of privacy and noise she would hear if the project is approved. The noise, lighting, smoke from the BBQ will impact the outdoor sitting area of her house. She requested that the pool and spa not be approved. If approved she would like the entertainment area moved to another location on the property.

Sandra Humphries, Environmental Design Committee, reported on several small oaks growing among the Monterey Pines on the property that should be preserved and suggested planting Toyon among the oaks.

CLOSED PUBLIC HEARING

Commission Carey supported the project being sensitive to the neighbor's concerns and everything is within the rules.

Commissioner Kerns supported the project stating that the proposed landscaping plan is very good and the pool is in an ideal location and can be mitigated with landscaping.

Commissioner Collins empathized with Ms. Ezatti's concerns about the noise but the project is complies with the ordinance and the property has significant landscaping.

Commissioner Clow supported the project stating concerns about the potential height of the Redwood trees.

Chairman Cottrell supported the project pointing out that the pool is equal distance between neighboring properties and is well within the code. The noise ordinance can be enforced if there is a problem in the future.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow, seconded by Commissioner Carey and approved by the following roll call vote to approve the requested site development permit subject to the recommended Conditions of Approval in Attachment one.

AYES: Chairman Cottrell, Commissioners Cary, Kerns, Collins and Clow

NOES: None

This approval is subject to a 22 day appeal period.

3.3 AMENDMENT TO THE ZONING AND SITE DEVELOPMENT CODES WITH REGARD TO PHOTOVOLTAIC POWER AND SOLAR THERMAL ENERGY GENERATION FACILITIES. (SECTIONS 10-1.226, 10-1.239, 10-1.247, 10-1.702, 10-1.502, AND 10-2.301); CEQA REVIEW: CATEGORICAL EXEMPTION, SECTION 15061(b)(3) (staff-Debbie Pedro).

Senior Planner Debbie Pedro presented the staff report stating that per the Planning Commissions direction at the hearing in March the revisions had been made to the draft Energy Efficiency Ordinance and the changes are reflected in Attachment 2.

Carl Cahill, Planning Director suggested that one or more members of the Planning Commission work with the Environmental Initiatives Committee (EIC) at one of their meetings to further discuss the photovoltaic ordinance regarding the MDA credit. Commissioner Clow and Collins volunteered to meet with the EIC.

OPENED PUBLIC HEARING

Peter Evans, Chairman of the Environmental Initiatives Committee, expressed that he hoped the Planning Commission would act on the ordinance as drafted by staff as it has EIC support. The Committee continued to believe that the incentive is worthwhile and the MDA exemption idea could be worked on together by the Ad Hoc Planning Commission group, the EIC Committee and staff members.

Commissioner Carey asked if Peter Evans envisioned the EIC becoming a committee that was concerned with other environmental issues such as saving water. He questioned if giving MDA credit for solar would be opening up the door for a lot more issues that would make it hard to argue that solar panels are the only environmental protection effort that might deserve MDA credit.

Peter Evans explained that energy efficiency and solar panels were the first issues the EIC has addressed and they have also invested time in hazardous waste, single stream recycling, and water issues.

Commissioner Kerns commented about the EIC's proposed change to require greater than the Title 24 requirement and the cost and education for the public that was discussed at the last Planning Commission meeting.

Mr. Evans said the EIC had an analysis of homes in the town and what measures would be required to achieve that level of performance and what it would cost in dollar terms and also on a payback basis and as a percentage of total building cost. This information goes into a report that is sent to the California Energy Commission where the case is made that the incremental efficiency improvement is actually cost effective.

Commissioner Kerns was concerned that Title 24 is already strict and to require above and beyond that might be asking too much of homeowners. Chairman Cottrell questioned the incremental cost. Mr. Evans related that State law requires that it be cost effective and the analysis that the EIC has done shows the incremental cost of these improvements is typically around \$1 a foot.

Commissioner Carey offered that if a MDA credit is to be allowed for solar there should be some consideration for review by the Planning Commission.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Motion by Commissioner Collins, seconded by Commissioner Kerns and passed unanimously to forward the recommendation to the City Council to adopt the resolution approving the proposed amendments to all sections as amended.

Staff was directed to proceed with the initial study of potential environmental impacts relating to granting additional development credit.

SHORT RECESS CALLED AT 8:12.

MEETING RECONVENED AT 8:16.

3.4. AMENDMENT TO THE ZONING AND SITE DEVELOPMENT CODES WITH REGARD TO EFFECTIVE DATE, APPEAL, AND COUNCIL REVIEW OF ACTIONS FOR ZONING AND SITE DEVELOPMENT PERMITS (SECTIONS 10-1.1108-1110, 10-2.1305, AND 10-2.1313); CEQA REVIEW: CATEGORICAL EXEMPTION, SECTION 15061 (6)(3) (staff-Debbie Pedro).

Staff report by Debbie Pedro stated that this amendment to the ordinance was reviewed by the Planning Commission as a new business item in February and the purpose is to reconcile some existing discrepancies in the municipal code in regard to the appeal and approval process of site development permits.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Motion by Commissioner Clow, seconded by Commissioner Kerns and passed unanimously to forward a recommendation of approval that the City Council adopt a resolution approving the proposed amendments.

4. 4. <u>OLD BUSINESS</u>-none

5. <u>NEW BUSINESS</u>

5.1 AMENDMENT TO THE ZONING AND SITE DEVELOPMENT CODES REQUIRING REMOVAL OF BLUE GUM EUCALYPTUS TREES (EUCALYPTUS GLOBULUS) AT TIME OF SITE DEVELOPMENT APPROVAL (SECTION 10-2.802); CEQA STATUS: NEGATIVE DECLARATION (staff-Debbie Pedro).

Senior Planner Debbie Pedro presented the staff report explaining that in January the City Council directed staff to research ordinances in surrounding communities to find out what other cities are doing about potentially hazardous trees in particular Blue Gum Eucalyptus. In March the Council directed staff to prepare an ordinance for mandatory removal of Blue Gum Eucalyptus at the time of site development approval. Staff is seeking comments from the Planning Commission regarding the draft ordinance and when comments are received staff will finalize the ordinance and present it at a public hearing.

Commissioner Collins presented samples of various Eucalyptus branches. The Commissioners listed the problems with Eucalyptus trees; shredding bark, shallow roots, flammability, dropping branches and entire trees falling. Commissioner Kerns wondered why only Blue Gum Eucalyptus was being addressed and not all species of Eucalyptus. Chairman Cottrell agreed. Discussion ensued on the dangers of Eucalyptus and other large trees in Town. Commissioner Carey generally supported the idea but commented on overreacting on this issue by having any mature Eucalyptus tree cut down and the change from having no restrictions on Eucalyptus trees to removing any Eucalyptus tree.

Commissioner Kerns brought up the invasive plant portion of the ordinance and stated that people should be encouraged to remove invasive plant species.

Commissioner Collins disagreed that all Eucalyptus should be removed. She stated that many people enjoy the trees in particular the Silver Dollar Eucalyptus. Commissioner Kerns felt that Eucalyptus removal should be required and exceptions should be presented before the Planning Commission for review on a new development.

Sandra Humphries, Environmental Design Committee, requested that the removal of Eucalyptus trees not be done during bird nesting season. Raptor birds nest in the tallest trees including Eucalyptus.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns, seconded by Commissioner Clow and approved by the following roll call vote that staff prepare a draft ordinance that would require all Eucalyptus trees be removed with exceptions reviewed by staff or Planning Commission.

AYES: Chairman Cottrell, Commissioners Cary, Kerns and Clow

NOES: Commissioner Collins

Commissioner Collins felt that not all Eucalyptus should be prohibited. Planning Director Cahill suggested that an arborist be consulted to identify acceptable Eucalyptus species. Chairman Cottrell directed staff to contact an arborist for further study.

6. REPORT FROM THE CITY COUNCIL MEETING

- 6.1 Planning Commission Representative for April 13th-Cancelled-Commissioner Kerns
- 6.2 Planning Commission Representative for April 27th-Commissioner Collins
- 6.3 Planning Commission Representative for May 11th-Commissioner Clow
- 6.4 Planning Commission Representative for May 25th-Chairman Cottrell

7. APPROVAL OF MINUTES

7.1 Approval of March 16, 2006 minutes as amended.

8. REPORT FROM FAST TRACK MEETING- MARCH 21 AND APRIL 4, 2006

- 8.1 LANDS OF THAIK, 2275 Old Page Mill Road (79-05-ZP-SD-GD); A request for a Site Development Permit for a 4,997 square foot two-story new residence with a 1,380 square foot basement (maximum height 27' feet) (staff-Debbie Pedro)
- 8.2 LANDS OF PAPOULIAS, 26101 Maurer Lane (44-05-ZP-SD); A request for a Site Development Permit for a 1,382 sq. ft. single-story addition to the existing residence (maximum height 17'10"), a new 420 square foot pool house, a new 168 square foot gazebo, and replacement of a 640 square foot pool (staff-Debbie Pedro).

9. REPORT FROM SITE DEVELOPMENT MEETING- MARCH 28 AND APRIL 4, 2006

- 9.1 LANDS OF NAIR, 24680 Prospect Avenue (39-06-ZP-SD); A Site Development Hearing for a landscape screening and erosion control plan as required per project conditions for the new 10,900 square foot residence (height-27 feet). The project applicant is not proposing any new screening plantings. The new residence was approved July 12, 2000 (staff-Brian Froelich).
- 9.2 LANDS OF KILLIAN AND LEE, 27961 Central Drive (41-06-ZP-SD); A Site Development Hearing for a landscape screening and erosion control plan (staff-Debbie Pedro).
- 9.3 LANDS OF MALONEY, 27945 Black Mountain Road (251-05-ZP-SD); A Site Development Hearing for a minor variance for setback encroachment of a

telescopic pool enclosure into the side yard (2'W x 4'6"L covering 9 square feet of area) (staff-Debbie Pedro).

10. <u>ADJOURNMENT</u>

The meeting was adjourned by consensus at 8:38 p.m.

Respectfully submitted,

Victoria Ortland Planning Secretary